

GARY TOPOLEWSKI, et al.,)	Case No. 2:16-cv-01588-JAD-NJK
Plaintiff(s),)	ORDER
vs.)	(Docket No. 36)
PAUL BLYSCHAK, et al.,)	
Defendant(s).)	

The Court has broad discretionary power to control discovery. *See, e.g., Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay carries the heavy burden of making a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay all discovery may be granted generally when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579,

1 581 (D. Nev. 2013).¹ In the specific context of a motion challenging personal jurisdiction, courts are
2 more inclined to stay discovery and have found that such a motion favors a stay. *See, e.g., Hologram*
3 *USA, Inc. v. Pulse Evolution Corp.*, 2015 WL 1600768, *1 (D. Nev. Apr. 8, 2016).

4 Having reviewed the underlying motions to dismiss, the Court finds that these elements are met
5 in this case and **GRANTS** the motion to stay discovery. If the motions to dismiss are not granted in full,
6 the parties shall file a proposed discovery plan within seven days of the issuance of the order resolving
7 the first motion to dismiss that is decided.

8 IT IS SO ORDERED.

9 DATED: October 11, 2016

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12 NANCY J. KOPPE
13 United States Magistrate Judge
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27 ¹ Conducting this preliminary peek puts the undersigned in an awkward position because the assigned
28 district judge who will decide the motion to dismiss may have a different view of its merits. *See Tradebay*,
278 F.R.D. at 603. The undersigned's "preliminary peek" at the merits of that motion is not intended to
prejudice its outcome. *See id.*